

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELLY CARROLL, ET AL.,

Plaintiffs,

v.

WELLS FARGO & COMPANY, et al.,

Defendants.

Case No. [3:15-cv-02321-EMC](#) (KAW)

**ORDER DENYING PLAINTIFFS'  
3/17/17 MOTION FOR  
ADMINISTRATIVE RELIEF TO  
SUPPLEMENT THE RECORD**

Re: Dkt. No. 200

On March 16, 2017, the Court held a hearing on Non-Party Carrie Tolstedt's motion to quash the deposition subpoena. At the hearing, Plaintiffs presented the undersigned with a stack of documents, which the Court informed the parties would be stricken.

On March 17, 2017, Plaintiffs filed an administrative motion seeking leave to file supplemental materials in support of their opposition to the motion to quash. (Pls.' Mot., Dkt. No. 200.) Specifically, Plaintiffs seek leave to submit Wells Fargo's Form 10-k and proxy statements from 2013, 2014, and 2015, a 2016 Consent Order between Wells Fargo and the Consumer Financial Protection Bureau, and various news articles. (*See* Pls.' Mot. at 3-4.) Additionally, Plaintiffs seek to have the documents judicially noticed despite having failed to file a request for judicial notice. (Pls.' Mot. at 4.)

On March 21, 2017, Wells Fargo filed an opposition on the grounds that this submission was procedurally improper, and that the materials are irrelevant, because Plaintiff Carroll did not testify that she performed any of the alleged sales activities off-the-clock. (Defs.' Opp'n, Dkt. No. 203 at 1-2.) The Court agrees. Moreover, Plaintiffs had ample opportunity to file a request for judicial notice when they filed their opposition to the motion to quash, but failed to do so.

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Accordingly, Plaintiffs’ motion for administrative relief to supplement the record is  
DENIED.

IT IS SO ORDERED.

Dated: April 10, 2017

  
KANDIS A. WESTMORE  
United States Magistrate Judge